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10/583,394	11/10/2008	Christopher Churchill	2006-098	3102
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PAUL AND PAUL 2000 MARKET STREET SUITE 2900 PHILADELPHIA, PA 19103			EXAMINER DELISLE, ROBERTA S	
			ART UNIT 3677	PAPER NUMBER
			NOTIFICATION DATE 04/28/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/583,394	<b>Applicant(s)</b> CHURCHILL, CHRISTOPHER	
	<b>Examiner</b> ROBERTA S. DELISLE	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/19/06.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Drafts, Person's Patent Drawing, Review (PTO-948)                               | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In this case, in line 6, “the receptacle is inserted into the hole”, Examiner assumes this is not the same hole as the one located in the base of the receptacle as defined in line 3 of claim 1 but is actually a hole in the component. Appropriate correction is required.

### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: “at lest” should be “at least” and the second statement of “at least on” should be “at least one”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9, 11, 13-15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Chvosta (US 2,727,552).

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**Regarding** claim 1, Chvosta discloses a one part receptacle (10) [for a fastener (B, N) for insertion, in use, into a hole (1) in a receiving component (P)]\*, the receptacle (10) comprising a base (11) with legs (14, 35, fig. 3), at least one of the legs (14, 35, fig. 3) retaining the receptacle (10) on a component (P) in use, wherein the base (11) includes a hole (12) [for engaging, in use, with the fastener (B, N)]\*, and at least one leg (14, 35, fig. 3) is shaped to form a compliant mechanism which provides a compliant retaining force in the direction of insertion of the fastener (B, N), whereby, in use, the receptacle (1) is inserted into the hole (1) and retained thereon and provides compliance between the component (P) on which it is retained and a second component (A) attached thereto via the receptacle (10) and fastener (B, N).

**Regarding** claim 2, Chvosta discloses the receptacle according to claim 1, wherein two legs (14, 35, fig. 3) on opposite sides of the base (11) are shaped to form the compliant mechanism to provide the compliance in the direction of insertion of the fastener (B, N).

**Regarding** claim 3, Chvosta discloses the receptacle according to claim 2, wherein the at least one leg (14, 35, fig. 3) shaped to form the compliant mechanism comprises at least an outer leg (35) and an inner leg (14).

**Regarding** claim 4, Chvosta discloses the receptacle according to claim 3, wherein the end portion of one of the at least one outer leg (35) and the inner spring leg (14) is bent (fig. 3) to form a wing extending laterally from the base (11) to provide compliance to the

receptacle in its insertion direction.

**Regarding** claim 9, Chvosta discloses the receptacle according to claim 4, wherein the end portion of one of the inner leg (14) and at least one outer leg (35) is bent back on itself to form a wing (17) extending from the base (11) such that, in use, the inner leg (14) is positioned at an acute angle to the end portion of the outer leg (35) to provide compliance to the receptacle in its insertion direction.

**Regarding** claim 11, Chvosta discloses the receptacle according to claim 4, wherein the end portion of the at least one outer leg (35) is, in use, positioned at an acute angle to the upper surface of the receiving component (P, figs. 2, 4).

**Regarding** claim 13, Chvosta discloses the receptacle according to claim 1, formed from metal (col. 2, lines 43-44).

**Regarding** claim 14, Chvosta discloses the receptacle according to claim 13, formed from carbon steel (col. 5, line 29-30).

**Regarding** claim 15, Chvosta discloses a fastener and receptacle combination comprising a receptacle according to claim 1 which is [for installation into a hole (1) in a component (P)]\* and a fastener (B, N) which is engaged with the hole (12) in the base

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(11) of the receptacle (10).

**Regarding** claim 17, Chvosta discloses the fastener and receptacle combination according to claim 15, wherein the panel (P) is pre-mounted (fig. 2) to the receptacle (10) prior to installation in to the receiving component (A).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 12, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chvosta (US 2,727,552).

**Regarding** claim 5, Chvosta discloses the receptacle according to claim 4, **except for** wherein the at least one leg shaped to be the compliant mechanism comprises two outer legs.

**However**, in another embodiment, Chvosta teaches wherein the at least one leg (20, fig. 1) shaped to be the compliant mechanism comprises two outer legs (20, fig. 1). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chvosta wherein the at least one leg shaped to be the compliant mechanism comprises two outer legs to prevent displacement of the retainer within the

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panel.

**Regarding** claim 12, Chvosta discloses the receptacle according to claim 11, **except for** wherein the at least one outer leg is, in use, positioned at an angle of about 30° to a surface of the receiving component.

Examiner notes that Chvosta does not explicitly teach wherein the at least one outer leg (35) is, in use, positioned at an angle of about 30° to a surface of the receiving component (P, figs. 2, 4). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to contrive any number of desirable ranges for the position of the outer leg with respect to the surface of the receiving component (including an angle of about 30°) limitation disclosed by Applicant, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Further, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Refer to MPEP § 2144.05.

**Regarding** claim 16, Chvosta discloses the fastener and receptacle combination according to claim 15, **except for** wherein the fastener (B, N) is a quarter turn fastener.

Examiner notes that Chvosta does not explicitly teach wherein the fastener (B, N) is a quarter turn fastener. However, it would have been an obvious matter of art recognized equivalence to use a quarter turn fastener, as Applicant has not disclosed

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that it solves any stated problem of the prior art or is for any particular purpose. It appears that the invention would perform equally well as the invention disclosed by Chvosta.

**Regarding** claim 18, Chvosta discloses the receptacle according to claim 5, wherein the end portion of the at least one outer leg (35) is, in use, positioned at an acute angle to the upper surface (fig. 2) of the receiving component (P).

7. Claim 6-8, 10, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chvosta (US 2,727,552) in view of Jaworski (US 3,035,624).

**Regarding** claim 6, Chvosta discloses the receptacle according to claim 5, **except for** wherein the end position of the two outer legs are joined.

**However**, Jaworski teaches wherein the end position of the two outer legs are joined. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chvosta wherein the end position of the two outer legs are joined as taught by Jaworski to provide a more stable engagement between the retainer and panel.

**Regarding** claim 7, Chvosta discloses the receptacle according to claim 6, wherein the inner leg (14) is positioned at an acute angle to the at least one outer leg (35).



**Regarding** claim 8, Chvosta discloses the receptacle according to claim 7, **except for** wherein the inner leg (14) is positioned at an angle in the range 12-15° to the at least one outer leg (35).

Examiner notes that Chvosta does not explicitly teach wherein the inner leg (14) is positioned at an angle in the range 12-15° to the at least one outer leg (35). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to contrive any number of desirable ranges for the position of the inner leg with respect to the outer leg (including an angle in the range of 12-15°) limitation disclosed by Applicant, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233. Further, it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). Refer to MPEP § 2144.05.

**Regarding** claim 10, Chvosta discloses the receptacle according to claim 5, **except for** wherein the inner leg is located centrally between the two outer legs.

**However**, in another embodiment, Chvosta teaches wherein the inner leg (14) is located centrally between the two outer legs (35). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Chvosta wherein the inner leg is located centrally between the two outer legs to prevent displacement of the

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retainer within the panel.

**Regarding** claim 19, Chvosta discloses the receptacle according to claim 6, wherein the end portion of the at least one outer leg (35) is, in use, positioned at an acute angle to the upper surface (fig. 2) of the receiving component (P).

**Regarding** claim 20, Chvosta discloses the receptacle according to claim 7, wherein the end portion of the at least one outer leg (35) is, in use, positioned at an acute angle to the upper surface (fig. 2) of the receiving component (P).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERTA S. DELISLE ("Bobbi") whose telephone number is (571)270-3746. The examiner can normally be reached on M-F 8 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272- 6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERTA S. DELISLE/  
Examiner, Art Unit 3677

rsd